

JPA File No.: 06-134I  
AG Contract No.: KR07-0023TRN  
Project No.:  
Project: I-40, MP 54  
Section: Kingman Crossing  
TRACS No.: H714701X  
Budget Source Item No.: N/A

## INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
CITY OF KINGMAN

**THIS AGREEMENT** is entered into this date April 19, 2007, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF KINGMAN, acting by and through its Mayor and City council (the "City"). The State and the City are collectively referred to as "Parties".

### I. RECITALS

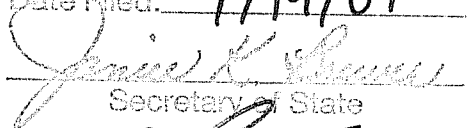

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The City desires to design a new interchange located on the interstate 40 (I-40) corridor approximately 1-1/2 miles east of the existing interchange with Andy Devine Avenue (Exit 53) within the existing City boundaries. The interchange is required to provide direct access and allow circulation between the two fastest growing quadrants within City boundaries. Significant new residential and commercial development is currently planned for the thousands of undeveloped acres located in the northeast quadrant of the City. Similarly, large undeveloped tracts in the southeast quadrant extending east as far as Rattlesnake Wash are slated for dynamic residential growth. Access between these communities is currently circuitous and inconvenient, requiring use of the new railway underpass recently constructed at Airway Avenue, the crossing of I-40 by means of the Andy Devine underpass (SR 66) and traveling south approximately one mile to take Hualapai Mountain Road.

4. Nothing herein shall be construed to impose an obligation on the State to construct or in any way fund the Proposed Interchange. The City has assured the State that City has the ability and will continue to have the ability to provide the funds necessary to process the Change of Access.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

NO. 28877  
Filed with the Secretary of State  
Date Filed: 4/19/07  
  
Secretary of State  
By: 

**II. SCOPE OF WORK**

## 1. The State shall:

a. Review all design documents, environmental documents and other documents required by the FHWA in connection with the Change of Access Report and provide timely written comments to City.

b. Following final disposition of the Change of Access Report by the FHWA, conduct a final accounting of the review costs and either invoice City for the amount due to the State in excess of \$30,000.00 or return to City all unused funds.

c. Upon execution of this Agreement, invoice the City in the amount of \$30,000 for review costs incurred by the State.

## 2. The City shall:

a. Prepare a Change of Access Report, to State standards and in accordance to FHWA requirements, including design and other documentation required in connection with the Change of Access Report.

b. Be responsible for all costs associated with the design and environmental reports required in connection with the Change of Access Report, including but not limited to the following.

Traffic Report  
Environmental Clearance Document  
Drainage Report  
Design Concept Report  
Change of Access Report

c. Upon execution of this Agreement, and within 30 days of receipt of an invoice from the State, the City shall pay the lump sum amount of \$30,000.00, which is the estimated cost for the State's review of, (i) the environmental studies/documents required as a part of the Change of Access Report, and (ii) the Change of Access Report.

d. Following the final disposition of the Change of Access Report by the FHWA, and a final accounting of the review costs by the State, be responsible for review costs in excess of \$30,000.00

**III. MISCELLANEOUS PROVISIONS**

1. The terms, conditions and provisions of this agreement shall remain in full force and effect for a period of five (5) years from the effective date, unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial or renewed expiration date. Further, this agreement may be terminated by the State at any time upon sixty (60) days written notice.

2. The State assumes no financial obligation or liability under this Agreement. The City, in regard to the City's relationship with the State only, assumes full responsibility. It is understood and agreed that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof, shall be solely the liability of the City and that to the extent permitted by law, the City hereby agrees to save and hold harmless and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all cost and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or nonperformance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees

the City, any of its agents, officers and employees, or any of its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. This Agreement shall become effective upon filing with the Secretary of State.

4. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511. The provisions of Arizona Revised Statutes § 35-214 are applicable to this Agreement.

5. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

6. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 S. 17<sup>th</sup> Avenue, Mail Drop 616E  
Phoenix, Arizona 85007  
(602) 712-7525  
(602) 712-7424 Fax

City of Kingman  
Attn: Rob Owen  
310 N. 4<sup>th</sup> Street  
Kingman, AZ 86401  
(928) 753-8733  
(928) 753-6867 Fax

7. This Agreement is subject to all applicable provisions of the Americans with Disability Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

8. Non-Availability of Funds: Every payment obligation of the State and or the City under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State and or the City in the event this provision is exercised, and the State and or the City shall not be obligated or liable for any future payments as a result of termination under this paragraph.

9. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

**CITY OF KINGMAN**

By   
LESTER BYRAM  
Mayor

**STATE OF ARIZONA**

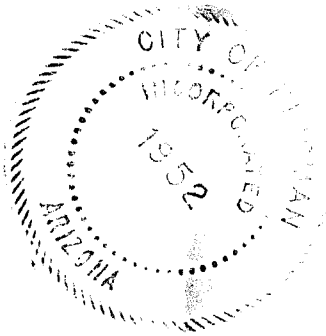
Department of Transportation

By   
MICKIE FRANKLIN  
Joint Project Administration Manager

ATTEST:

By   
DEBBIE FRANCIS  
Clerk

G:06-134-Dist K-Kingman-H714701X-SR I 40, MP 64-27 October 2006-cc

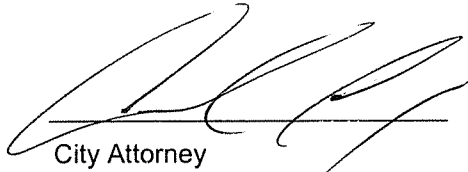


**ATTORNEY APPROVAL FORM FOR THE CITY OF KINGMAN**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the City, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 22<sup>nd</sup> day of March, 2007.

  
City Attorney

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**CITY OF KINGMAN****5:00 P.M.****Minutes****Monday, March 19, 2007**

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<b>Members:</b>	<b>Officers:</b>	<b>Visitors Signing In:</b>
L. Byram, Mayor	P. Beecher, City Manager	See attached list
D. French, Vice Mayor	C. Cooper, City Attorney	
J. Watson	D. Francis, City Clerk	
T. Carter	J. Marshall, Deputy City Clerk	
K. Deering	C. Loyd, Finance Director	
R. Lyons	G. Jeppson, Devel. Services Director	
T. Spear	R. Owen, Special Projects Admin	
	J. Weir, Economic Development Director	
	J. Kramer, Public Works Director	
	J. Clos, I.S. Director	
	D. Fruhwirth, Parks & Rec. Director	
	C. Osterman, Fire Chief	
	G. Henry, City Engineer	
	R. DeVries, Chief of Police	

**WORK SESSION MEETING OF THE COMMON COUNCIL**

**ALL WORK-SESSION ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN.** The primary purpose of work session meetings is to provide the City Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor or City Manager to do so. The Mayor may limit or end the time for such presentations.

**CALL TO ORDER & ROLL CALL**

Roll call was taken and all Council Members were present with the exception of Councilmember Watson who was excused. Mayor Byram was delayed due to a prior commitment and joined the meeting at 5:14 P.M.

**Southwest Traffic Engineers update by John Willet**

Jack Kramer, Public Works Director, stated that the presentation will cover the one-way couplet at Diamond and Yavapai, the Eastern/Kenwood intersection, improvements to Eastern, the Andy Devine/Stockton Hill Road intersection traffic signal timing, Hualapai Mountain Road signal warrants and the Hualapai Mountain Road speed limit study.

John Willet, Southwest Traffic Engineers, stated that the first project that will be covered is the one-way couplet for Diamond and Airway Avenue. Mr. Willet stated that the traffic studies show a shift in traffic on Diamond. Mr. Willet further stated that the studies showed just under 5,000 vehicles traveling on Airway near Bank Street before the opening of the Airway underpass and that this has increased to 6,400 vehicles after the opening. Mr. Willet stated that a traffic signal study was completed at the Airway and Diamond intersection and this study was compared to the three warrants that apply to this intersection. Those being the eight hour volume warrant, the four hour volume warrant and the one hour volume warrant. Mr. Willet stated that after the completion of the study, two of the three warrants were satisfied. Mr. Willet stated that twenty four hour approach volume data was collected on November 29, 2006 during peak hours. Mr. Willet further stated that 90% of the traffic on Diamond is making a left and that most of the east bound traffic on Airway is making a right. The recommendation is to convert Diamond to a one-way southbound and Yavapai to a one-way northbound. In addition

the all way stop at Kenwood and Diamond should be moved to Yavapai. Mr. Willet further stated that the results conclude that this intersection does not warrant a traffic signal at this time.

Mr. Willet stated that the next project will be to flatten out the curve at the intersection of Eastern and Kenwood to make this intersection smooth and free flowing.

Mr. Willet stated that the Andy Devine and Stockton Hill Road intersection was the next study that was completed. Mr. Willet stated that due to the closure of the Louise crossing, traffic was backing up in the left turn lane on Andy Devine. Mr. Willet further stated that at that time a conversion of one of the thru lanes to a thru lane/left hand turn lane was completed as well an adjustment to the timing of the light. Mr. Willet stated that the average wait time is 38 seconds per vehicle and that the program used for analysis concluded that adding a right turn lane will only improve intersection wait time by two seconds per car. The recommendation is that the City should add an illuminated sign that states no right turn on red going onto Hualapai Mountain Road during the green arrow left turn from Andy Devine to Hualapai Mountain Road.

Mr. Willet stated that a study was completed for traffic signal warrants on Hualapai Mountain Road. Mr. Willet stated that there are two proposed developments on the table, one being the Praise Chapel Christian Fellowship and the other being the Granite Bluffs Commercial Center on Harrison Street. Mr. Willet stated that the intersections at Railroad, Jackson and Harrison Street were evaluated. Mr. Willet stated that Railroad Street satisfied four warrants, Harrison Street did not satisfy any, and Jackson Street satisfied three warrants. Mr. Willet stated that the Praise Chapel Christian Fellowship will generate under 500 trips per weekday and Granite Bluffs will bring an additional 5,600 daily weekday vehicles. Mr. Willet stated that after adding in these additional trips per day into the data, all three intersections meet the warrants. Mr. Willet stated that Railroad and Harrison are too close together to station signals at both intersections. Mr. Willet further stated that traffic signals should be placed at the half mile but can be placed at the quarter mile. The recommendation is to place signals at Harrison Street and at Jackson Street.

Mr. Willet stated that the speed limits on Hualapai Mountain Road are currently posted at 45 mph throughout the 5 lane section and is posted at 40 mph throughout the 2 lane section. Mr. Willet stated that the data that was collected from the study showed that at the railroad bridge the average speed was 38.5 mph. The average speed at Eastern was 38.7 mph. The average speed at Center Street was 43.7 mph. Mr. Willet stated that as traffic reached the city limits speeds were at the highest, reaching an average of 46.1 mph. The recommendation is to switch the posted speed limits so that the 5 lane section is posted at 40 mph and the 2 lane section is posted at 45 mph. Mr. Willet stated that in the 5 lane section only 1% of vehicles were traveling over 10 mph above the speed limit and that 13% of vehicles in the 2 lane section were traveling at over 10 mph above the speed limit.

Councilmember Lyons stated that the highest priority is the one way couplet and then asked when the project will be started. Jack Kramer stated that the one way couplet will begin on March 23 when bids will be accepted. Councilmember Deering asked based on projections of traffic in that area, how long will this fix keep the traffic jams at a minimum. Mr. Willet stated that there will still be some congestion due to the fact that Eastern and Pasadena are not wide enough to handle all of the traffic at this point.

Councilmember Spear asked if the Kingman Crossing Interchange is built, will it decrease the need for an Airfield crossing. Mr. Willet stated yes, the traffic would use the crossing instead of coming into town via Seneca and Pasadena. Councilmember Spear asked if the Airfield crossing is built first, from a traffic point of view, will it decrease the need for the Kingman Crossing Interchange. Mr. Willet stated yes.

Carter made a MOTION to ADJOURN. Vice Mayor French SECONDED and the meeting was ADJOURNED with a 6-0 vote.

## **ADJOURNMENT**

6:00 P.M. (or immediately  
following the Work Session)

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**AGENDA**

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**Monday, March 19, 2007**

**REGULAR MEETING OF THE COMMON COUNCIL**

**CALL TO ORDER & ROLL CALL**

Mayor Byram called the meeting to order, roll call was taken and all Council Members were present. The Invocation was given by Keith Saunders of the Church of Christ, after which the Pledge of Allegiance was said in unison.

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A)(3) TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. **APPROVAL OF MINUTES** (the Work Session/Regular meeting of March 5, 2007)  
Councilmember Carter made a MOTION to APPROVE the minutes of the March 5, 2007 meeting. Councilmember Spear SECONDED and the minutes were UNANIMOUSLY APPROVED.

2. **CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 5 minutes.

Bill Delmar, 1719 Hope, stated he has three items that he would like to address. Mr. Delmar stated that there should be a connection between the old Wal-Mart and the new Wal-Mart to alleviate some of the traffic on Stockton Hill Road. Mr. Delmar further stated that all zoning issues for a specific area should be brought before the Council all at once, instead of the first phase at one meeting and then the second phase at the next meeting. Mr. Delmar concluding by stating that for each rezoning there should be maps on the overhead for the public to see.

Mike Bihuniak, 4116 Airway Avenue, stated that he would like to publicly thank the City Council and staff for quickly putting the recordings of the City Council meetings back on the local television station Channel 77.

Bill Wahl, 4759 Christy Drive, stated that the City of Kingman should give Veterans preference during the hiring process. Mr. Wahl further stated that ARS 38-493 directs the State, County and City to give Veterans preference during this process. Mr. Wahl further stated that he hopes the City will look past the minimum requirements and show true patriotism in consideration of this matter.

Billie Dickmeyer, 2799 Buckskin Avenue, requested that item F be removed from the consent agenda or be rescheduled. Ms. Dickmeyer stated that the reason she felt the item should be removed is that these documents have not been shared with the citizens of Kingman. Ms. Dickmeyer further stated that this item is not routine.

3. **CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

- a) **Liquor License Application # 12083327**

Angilberto C. Correa, agent and applicant for the El Palacio of Kingman Restaurant, located at 401 E. Andy Devine, has applied for a section 5 Interim Permit for a Series 12 Restaurant Liquor License, formerly active under Isabe Serrano. **Staff Recommends Approval.**



- b) **Liquor License Application – Special Event**  
Agent and Applicant Alton Childress of the Kingman Elks Lodge #468, has applied for a Special Event Liquor License for the dates of April 27 and 28, 2007, for a motorcycle show/Harley Run. The event is to be held at the Harley Davidson Shop located at 2501 Beverly Ave, Kingman. **Staff recommends approval.**
- c) **Change order No. 3 to drill and case three municipal wells, engineering contract 04/05-10, Zim Industries, Inc.**  
Change order No. 3 includes additional work to Well No. 11 and the Rattlesnake Well as recommended by Golder Associates, the City's well consultant. This work includes modifying the gravel pack, and modifying the screen and casing lengths, based on soil characteristics encountered during borehole drilling. There is a net increase of \$93,776.53 to the contract total. **Staff recommends approval.**
- d) **Acceptance of Well drilling contract and authorization to make final payment to Zim Industries, Engineering Contract 04/05-10**  
Zim Industries has completed the drilling and casing of three water supply wells north of I-40 and east of the railroad, under Engineering Contract 04/05-10. The final payment will be \$124,076.35. **Staff recommends accepting the work and authorizing final payment.**
- e) **Resolution No. 4412**  
**Approval of a final plat and improvement plans of Pacific Estates, Tract 6031 and accepting a property escrow assurance for the completion of all improvements.**  
Applicant and property owner Pawan Jalota, and project engineer, Mohave Engineering Associates, Inc, are requesting approval for the final subdivision plat and the improvement plans for Pacific Estates, Tract 6031. The proposed subdivision is 1.37 acres in size with 10 lots. This subdivision is located north of Pacific Avenue south of Detroit Avenue along the west side of N. Central Street. **Staff recommends approval.**
- f) **Authorization for the Mayor to sign JPA No. 06-1341 with ADOT**  
Authorization for the Mayor to sign JPA No. 06-1341 with ADOT for review of design documents associated with the proposed Kingman Crossing / I-40 Traffic Interchange project. \$30,000.00 to be paid by Stone and Youngberg Capital Group as per the development management agreement with the City of Kingman. **Staff recommends authorizing the Mayor to sign JPA No. 06-1341 with ADOT.**
- g) **Authorization for the Mayor to sign an agreement with Thayer Design**  
At their meeting in January, ETDC directed staff to advertise a request for proposals for interior design firms to provide a schematic design for improvements to the Powerhouse Visitor's Center. Four proposals were received and ranked based upon similar experience, development plan, qualifications, timeframe and fee. The highest rated proposal was from Thayer Design, Inc. ETDC recommended awarding a contract to Thayer at their meeting in March, using \$12,050.00 in ETDC contingency funds from their "bricks and mortar" account. **Staff recommends authorizing the Mayor to sign the agreement.**
- h) **Municipal Utility Commission Recommendations**  
**Resolution No. 4407**  
On March 7, 2007, the Municipal Utility Commission reviewed a request from Kerry and Burley Hambrick for water service to an unsubdivided parcel, identified as tax parcel 311-16-006H, located at 801 Railroad Street. This water service request is in conjunction with the development of a commercial plant nursery business. The MUC voted 5-0 to recommend approval of this water service. **Staff recommends approval.**
- i) **Authorization for the Mayor to sign the FY 2007 Community Development Block Grant (CDBG) Regional Account grant contract**

In May 2006, the City Council authorized the submission of our 2007 CDBG application to the Arizona Department of Housing (ADOH). After review and approval, ADOH has issued a CDBG contract to the city in the amount of \$765,454. The contract will expire on April 1, 2009 and includes two activities, one for Administration in the amount of \$137,673 and one for Owner Occupied Housing Rehabilitation in the amount of \$627,673. To execute this contract, staff is asking Council to authorize the Mayor to sign the contract #139-07. **Staff recommends approval.**

**j) Amend Warranty Deed: February 11, 1969**

A warranty deed was recorded on February 11, 1969 with fee number 55711, Book 275, Page 399. This deed transferred ownership of seven acres of city property to Mohave County, located at the Johnston Canyon Springs in exchange for certain Mohave County property. Recently, an error was found in the legal description included on this deed. The range and section corner were incorrectly identified. **Staff recommends authorizing amending the warranty deed.**

**k) Resolution 4411**

As required by our CDBG contract agreement, the City must take certain actions each year to promote fair housing in Kingman. One such activity is to adopt April 2007 as "Fair Housing Month" in conjunction with National Fair Housing Month. **Staff recommends approval.**

**l) Award of Bids**

**Parks and Recreation---**Used Rear Mount Bucket Truck: The Parks and Recreation Department solicited bids for this unit for use throughout our park system. No bids were received at the February 23<sup>rd</sup> bid opening. Recommended bid of \$54,900.00, plus tax and delivery from Southwest Equipment, a sole source provider. Budgeted amount for this item was \$55,000.00. **Staff recommends purchase of used bucket truck from Southwest Equipment.**

**Police Department---**Purchase of two two-wheel drive vehicles for the two new officer positions. These vehicles were in the budget. Staff advises that the quote from Findlay Chevrolet is less than State Contract. Also Homeland Security provided for the purchase of a four wheel drive SUV. Findlay Chevrolet quote was comparable to the state contract quote for a two wheel drive. **Staff recommends purchasing the three vehicles from Findlay Chevrolet.**

**Public Works---**purchase of 750 tons CRS 2 P chipsealing oil, delivered and spread from NU Equipment Inc., Las Vegas, NV at a cost of \$344,250. This is a budgeted item. **Staff recommends approval**

**Public Works---**purchase of 5000 tons of pre coated cover material chips from Desert Construction at a cost of \$32.50 a ton. This is a budgeted item. **Staff recommends approval**

**m) Ordinance No. 1568**

The current city code allows for less than a majority of commission members to constitute a quorum. This ordinance corrects that issue and requires a majority of the body to constitute a quorum. **Staff recommends approval.**

**n) Ordinance No. 1569**

The current city code calls for the Joint Commission to meet at least once each quarter, this ordinance amends the meeting requirement to "as needed" **Staff recommends approval.**

**o) Ordinance No. 1497R—Technical Correction of City Code 7-83**

City Council passed Ordinance No. 1497 in September 2005 regarding regulation of wheeled devices in public parks. It has come to our attention that the incorrect City Code section number of 7-82 was used. The City Code should read 7-83. **Staff recommends approval of this revised Ordinance.**

Councilmember Carter requested that item 3F be removed from the consent agenda for further discussion.

Councilmember Spear made a MOTION to APPROVE the balance of the consent agenda. Councilmember Lyons SECONDED and the balance of the consent agenda was UNANIMOUSLY APPROVED.

(Resolution No. 4412)  
(Resolution No. 4407)  
(Resolution No. 4411)  
(Ordinance No. 1568)  
(Ordinance No. 1569)  
(Ordinance No. 1497R)

f)

**Authorization for the Mayor to sign JPA No. 06-134I with ADOT**

Rob Owen, Special Projects Administrator, stated that the Council approved the contract with URS for the design to be completed. Mr. Owen stated that the Council approved the cost sharing agreement with Kingman Crossing LLC. Mr. Owen further stated that as part of the design concept report review any privately funded interchange requires the \$30,000 review fee to cover ADOT staff time spent for this review.

Councilmember Carter asked if the payment will be made by the City of Kingman. Mr. Owen stated no, the payment will be made by Stone and Youngberg Capital Group. Councilmember Deering asked for clarification on the payment. Paul Beecher, City Manager, stated that the City of Kingman has a contract with Stone and Youngberg to represent the City in all matters related to the Kingman Crossing project. Mr. Beecher further stated that Stone and Youngberg will front the money for costs incurred until the closing of the project. Councilmember Deering asked if the project never closes could the City be held responsible to pay these costs. Mayor Byram stated that they are fronting the money, then once the project closes they will be paid.

Councilmember Watson asked if there a deadline that this JPA must be signed. Mr. Owen stated that this review is actually already underway. Mr. Owen stated that ADOT is most likely half way through the review.

Councilmember Deering asked if this is for the off ramp itself. Mr. Owen stated yes, this is only for the interchange itself.

**The Public Hearing was opened**

Billie Dickmeyer, 2799 Buckskin Avenue, stated that the citizens have been promised by the Mayor and City Manager that all plans for Kingman Crossing be presented at a public meeting. Ms. Dickmeyer further stated that no plans for this section of the interchange have been shared with the public. Mayor Byram stated that there has been several public meetings and that this topic has been well covered in the newspaper.

**The Public Hearing was closed.**

Councilmember Spear stated that he feels that this is a step in the process to gain information to help the council make an educated decision.

Councilmember Lyons made a MOTION to APPROVE authorization for the Mayor to sign JPA 06-134I. Councilmember Spear SECONDED and the motion was APPROVED with a vote of 6-1 with Councilmember Deering voting NAY.

4. **OLD BUSINESS:** (for discussion and/or action)

- a) **Public Auction of Parcel X-L-B: Remnant at the Kingman Airport and Industrial Park**  
City Council authorized and scheduled a public auction of Parcel X-L-B for the March 19, 2007 meeting. This parcel contains 8.81 acres and has been appraised at Five Hundred Seventy Five Thousand Six Hundred Forty Five Dollars (\$575,645.00) **Request Council conduct public auction, accept bid from qualified bidder, and authorize the Mayor to execute the appropriate documents.**

Bob Riley, Director of Economic Development for the Airport Authority, stated that there is a qualified bidder and requested the Mayor to conduct a public auction.

**Mayor Byram opened the Public Auction and after no additional bids were received, was closed.**

Mr. Riley introduced Michael Carol with L & M Construction and stated that this company will employ 10-30 workers.

Councilmember Carter made a MOTION to APPROVE the sale of Parcel X-L-B. Councilmember Spear SECONDED and the MOTION was APPROVED with a vote of 6-0 with Vice Mayor French abstaining.

- b) **Public Auction of Parcel II-P-B-B at the Kingman Airport and Industrial Park**  
City Council authorized and scheduled a public auction of Parcel II-P-B-B for the March 19, 2007 meeting. This parcel contains 5.31 acres and has been appraised at Three Hundred Forty Six Thousand Nine Hundred Fifty Five Dollars (\$346,955.00). **Request Council conduct public auction, accept bid from qualified bidder, and authorize the Mayor to execute the appropriate documents.**

Bob Riley, Director of Economic Development for the Airport Authority, stated that there is a qualified bidder and requested the Mayor to conduct a public auction.

**Mayor Byram opened the Public Auction and after no additional bids were received, was closed.**

Mr. Riley introduced Tom and Nancy Peacock of Peacock Marching Band Trust who will employ 3-5 workers.

Councilmember Carter made a MOTION to APPROVE the sale of Parcel II-P-B-B. Councilmember Spear SECONDED and the MOTION was APPROVED with a vote of 6-0 with Vice Mayor French abstaining.

- c) **Public Auction of Parcels II-P-B-A and II-P-B-B-A at the Kingman Airport and Industrial Park**  
City Council authorized and scheduled a public auction of Parcels II-P-B-A and II-P-B-B-A for the March 19, 2007 meeting. These parcels contain 6.47 acres and have been appraised at Four Hundred Twenty Two Thousand Seven Hundred Fifty Dollars (\$422,750.00). **Request Council conduct public auction, accept bid from qualified bidder, and authorize the Mayor to execute the appropriate documents.**

Bob Riley, Director of Economic Development for the Airport Authority, stated that there is a qualified bidder and requested the Mayor to conduct a public auction.

**Mayor Byram opened the Public Auction and after no additional bids were received, was closed.**

Mr. Riley stated that the company RCR Enterprises, LLC will build a plumbing supply company with 15 employees at start up.

Councilmember Spear made a MOTION to APPROVE the sale of Parcels II-P-B-A and II-P-B-B-A. Councilmember Carter SECONDED and the MOTION was APPROVED with a vote of 6-0 with Vice Mayor French abstaining.

**d) Award of bid, sale of excess City property**

At their February 5, 2007, regular meeting, the Council authorized advertisement for bids on the sale of city-owned property, four undeveloped well sites, each approximately one acre in size. The properties are located in Section 3, Township 20 North, Range 18 West, in Golden Valley. Bids were opened on March 9, 2007, and one bid of \$75,000.00 was received from Rhodes Homes. The \$75,000.00 revenue from this sale would be placed in the water account. **Staff recommends awarding the bid for four undeveloped well sites located in Section 3, Township 20 North, Range 18 West, in Golden Valley in the amount of \$75,000.00 to Rhodes Homes.**

Rob Owen stated that one bid was received for \$75,000.00 from Rhodes Homes.

Mayor Byram stated that there are 47 well sites in this basin and that by selling these four sites does not give away any water. Councilmember Spear stated that these sites are only of limited title.

Councilmember Deering stated in a previous meeting it was stated that these acre sites are landlocked. Councilmember Deering stated that it is illegal to block an ingress/egress to a parcel of land. Carl Cooper, City Attorney, stated that these prior comments may not have referred to the legal description of "landlocked" and that the practical meaning of "landlocked" was actually discussed. Mr. Cooper further stated that access can be gained to these acres. Councilmember Deering stated that there should be no hurry to sell these, as they could be the best well sites in the basin.

Councilmember Carter stated that the future of Kingman needs to be thought of and that by making this decision tonight it is premature based on changes that may happen in the legislation pertaining to water rights.

Councilmember Deering stated that this bid comes out to under \$19,000 per acre and that at this price it is a very good bargain. Councilmember Deering stated that the City needs to be careful before giving up potential water sites.

Councilmember Watson stated that the Council should wait and that per previous discussions, if the bid was too low, it would not be accepted.

Councilmember Lyons stated that he feels this bid was not high enough.

**The Public Hearing was opened**

Bill Delmar, 1719 Hope, stated that there are 45 well sites and all sites have legal access. Mr. Delmar further stated that two of the well sites have not been graded and are still staked and marked as well sites. Mr. Delmar asked if the property been appraised. Paul Beecher stated that the average price per acre in this area is right in line with the bid received from Mr. Rhodes. Mr. Delmar stated that this property does have deed restrictions. Mayor Byram stated that this is correct.

Kirk Brynjulson, 313 S. Aztec Road, representative for Rhoades Homes, stated that the bid was based on comparison properties in the Golden Valley area.

**The Public Hearing was closed.**

City Manager Paul Beecher stated that for clarification purposes, he would like Jack Kramer to come forward and talk about the Sacramento Basin evaluation.

Jack Kramer stated that he and Rob Owen drove through this area looking for all of the well sites. Mr. Kramer further stated there are closer well sites that would be preferred if the water needs to be accessed.

Councilmember Spear asked if the transmission of the water is taken into account when deciding which well site to drill. Jack Kramer stated that this plays a big part, as it is much more costly to transport the water from a farther distance. Councilmember Spear asked how many water companies are in Golden Valley now. Mr. Kramer stated that there are three water companies and three improvement districts. Mr. Kramer further stated that there is an additional possible improvement district with a new power plant. Councilmember Spear further stated that all of the competition for water will affect the value of a well site.

Councilmember Deering made a MOTION to DENY the award of bid to Rhodes Homes. Councilmember Carter SECONDED and the MOTION was APPROVED with a 4-3 vote with Councilmember Spear, Vice Mayor French and Mayor Byram voting NAY.

**e) Resolution No. 4413**

Notice of Intention to Begin the Process of Submitting to Voters the Question of Authorizing General Obligation Bonds for the Purpose of Constructing Highway and Street Improvements, Public Safety Facilities and Parks Facilities; and to Proceed with the Process of Obtaining Financial Assistance Loan Repayment Agreements with the Water Infrastructure Financing Authority for the Purpose of Financing Water and Wastewater Infrastructure Projects. **Staff recommends approval.**

Coral Loyd, Finance Director, stated that the purpose of this Resolution is to clarify and summarize the previous meeting and discussions. Ms. Loyd further stated that there are certain steps that must be followed in order to go to voter authorization. Ms. Loyd stated that there is new legislation that becomes effective July 1, 2007 which makes the November election the only election date that voter authorization for funding can be allowed. Mayor Byram asked if this is just another step in the process. Ms. Loyd stated yes.

Councilmember Watson asked if the City can ask for an amount that is above the capacity of the City. Ms. Loyd stated yes, however the City cannot issue debt beyond the debt capacity.

Councilmember Carter made a MOTION to APPROVE Resolution 4413. Vice Mayor French SECONDED and Resolution 4413 was UNANIMOUSLY APPROVED.

**(Resolution No. 4413)**

**5. ANNOUNCEMENTS BY MAYOR, COUNCILMEMBERS, & CITY MANAGER**

Mayor Byram stated that he, Vice Mayor French and Councilmember Watson attended the National League of Cities and Towns in Washington, DC. Mayor Byram stated that attendees included three candidates for President and that Senator Kyl and McCain hosted a breakfast. Mayor Byram also stated that Hillary Clinton spoke at one of the workshops. Mayor Byram further stated that the nationwide infrastructure is starting to fail, as it is here in Arizona. Councilmember Watson stated that she visited Congressman Trent Franks at his office and was able to spend some time conversing with him. A breakout session was attended by Councilmember Watson and the emergency statewide plans were discussed. Councilmember Watson stated that it seems that there will be monies to help each state become compliant with the overall plan. Vice Mayor French stated that affordable housing is available in other parts of the country however there are reasons for each area and why they are so much lower.

Councilmember Watson stated that other topics for presentations were immigration and community development block grants.


Mike Kondelis, district engineer for ADOT Hoover Dam Bypass project, stated that the bottom line of the high line crane collapse is a two year delay in project completion. Mr. Kondelis stated that completion is now slated for the end of 2010. Mr. Kondelis further stated that there are three stages to a project: the scoping phase, the design phase, and the construction phase.

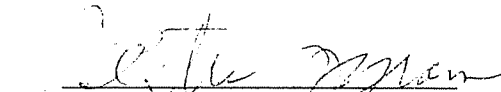
#### ADJOURNMENT

Councilmember Carter made a MOTION to ADJOURN. Vice Mayor French SECONDED and the MOTION was UNANIMOUSLY APPROVED.

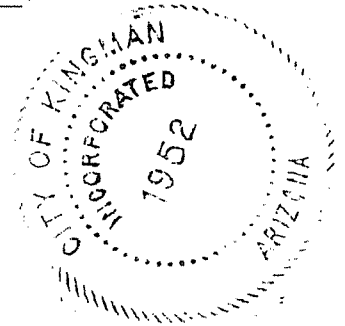
ATTEST:

APPROVED:

  
Deborah Francis  
City Clerk

  
(Lester Byram, Mayor)

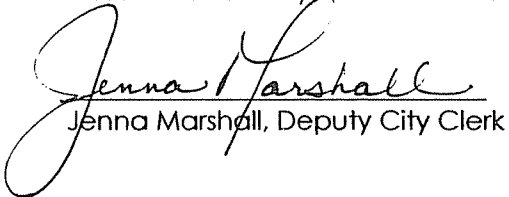
STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)



#### CERTIFICATE OF COUNCIL MINUTES

I, Jenna Marshall, Deputy City Clerk of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Work Session/Regular Meeting of the Common Council of the City of Kingman held on March 19, 2007.

Dated this 20<sup>th</sup> day of March 2007

  
Jenna Marshall, Deputy City Clerk

CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL

DATE: 5-14-07

PLEASE PRINT

1 DOUG DICKMEYER

2 BILLIE DICKMEYER

3 JIM GILLMAN

4 BILL DELMA

5 JIM OLSON

6 MIKE BIRCHAK

7 HAROLD BENT

8 BILL WAHL

9 MIKE RONDELLS

10 KERRI HAMBRICK

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<p>TERRY GODDARD Attorney General</p>	<p> <b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan.Davis@azag.gov</p>
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**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR07-0023TRN (**JPA 06-134-I**), an Agreement between public agencies, i.e., The State of Arizona and City of Kingman, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: April 13, 2007

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:mjf:1008850  
Attachment